

TRANSPORTATION SERVICE HUMAN RESOURCES POLICY

**SUBJECT: EQUAL OPPORTUNITY AND
AFFIRMATIVE ACTION**

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APPROVED: _____
Deputy Secretary, Department of Transportation

SECTION: 3A

Issued: 3/1/93

Revision No. 2

Page 1 of 3

Effective: 10/1/93

1. POLICY

- 1.1 It is the policy of the Maryland Department of Transportation (MDOT) to provide equal opportunity for all employees and applicants for employment.
- 1.2 Discrimination on the basis of race, color, creed, political or religious affiliation or opinion, national origin, marital status, sexual orientation, gender, age, or physical or mental disability is prohibited.
 - 1.2.1 All human resources activities shall be administered without bias.
 - 1.2.2 Harassment, including sexual harassment, in the work place is prohibited.
 - 1.2.3 Reasonable accommodation in the work place shall be provided to people with disabilities or for religious reasons.
 - 1.2.4 Retaliation against employees who have filed a complaint of discrimination is prohibited.
- 1.3 The Department is committed to support the letter, spirit, and intent of the principles of equal opportunity and affirmative action.

2. APPLICABILITY

- 2.1 This policy applies to all employees of the Maryland Department of Transportation.

3. DEFINITIONS

- 3.1 Affirmative Action (AA) - The efforts exerted toward achieving equal opportunity through positive, aggressive and continuous results-oriented measures to correct past or present discriminatory practices and their effects on the conditions and privileges of employment.
- 3.2 Complaint Procedure - The process that allows an aggrieved employee of any element of the Department to file a complaint when the employee believes an act of discrimination occurred.

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Page 2 of 3

- 3.3 Disabled - Any person who: (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.
- 3.4 Discrimination - A distinction in treatment, whether intentional or unintentional, based on political or religious opinion or affiliation, race, color, creed, national origin, marital status, sexual orientation, sex, physical or mental disability or age.
- 3.5 Equal Opportunity (EO) - The absence of partiality or distinction in employment treatment, so that the rights of all persons to work and advance on the basis of merit, ability, and potential are maintained.
- 3.6 Official - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the Administration's operation.
- 3.7 Fair Practices Officer - The individual within the Department charged with the enforcement of the Annotated Code of Maryland and the Affirmative Action Plan adopted pursuant to Article I(c) of the Code, including but not limited to the development and conduct of plans, programs, and policies to establish and promote non-discriminatory employment and personnel policies within the Department.
- 3.8 Human Resources Actions - Include the following types of activities: advertising, recruitment, interview, selection, placement, training, tuition aid, classification, promotion, reclassification, compensation, transfer, reassignment, discipline, termination, benefits, perks and privileges or any other of the terms, conditions and privileges of employment.
- 3.9 Retaliation - Negative actions taken against an employee as a result of the employee having filed a complaint of discrimination.
- 3.10 Reasonable Accommodation - The provision of assistance, aids, or alternative methods of employment designed to facilitate the employment of an otherwise qualified person with a disability. It also reflects the requirement to provide for the religious requirements of employees and applicants.

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Page 3 of 3

4. RESPONSIBILITIES

- 4.1 All Maryland Department of Transportation employees are responsible for strict adherence to this policy.
- 4.2 Administrators, managers, and supervisors are responsible for carrying out Equal Opportunity and Affirmative Action policies.
- 4.3 The Departmental Fair Practices Officer and the Administration Equal Opportunity Officers are responsible for providing timely, professional assistance to all employees, applicants for employment, and members of the public.
- 4.4 All levels of management and employees must cooperate with the Fair Practices Officer (or designee) to achieve the Department's goals and objectives.

5. GENERAL

- 5.1 There shall be a Departmental Equal Opportunity/Affirmative Action Plan.
- 5.2 There shall be an equal opportunity review of the proposed selection of all applicants for targeted positions. In addition, all proposed selections for administrators and officials, regardless of targeting, must be reviewed by the appropriate Equal Opportunity Officer.
- 5.3 There shall be a complaint procedure for prompt and efficient investigation into incidents of alleged discrimination.
- 5.4 Anyone violating this policy will be subject to the appropriate disciplinary actions up to and including termination.